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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,545	12/08/2000	Dennis A. Barney	00-216	4172

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[REDACTED] EXAMINER

PRETLOW, DEMETRIUS R

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2863

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/732,545	BARNEY ET AL.	
	Examiner Demetrius R. Pretlow	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 02 August 2002.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-38 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-38 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02 August 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

***Drawings***

1. The drawings are objected to because newly added Figure 3 and Figure 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugano et al in view of Esker. Sugano et al. teach the method steps and apparatus elements of a plurality of controllers having a local clock and a communication network. Note column 2, lines 38-44 and claim 9, lines 1-8. Sugano et al. teach a vehicle fault diagnostic apparatus for detecting a fault of at least one sensor and an actuator, which is interpreted as establishing an operating characteristic. Note Sugano et al. column 4, lines 21-28 and Note Sugano et al. column 3, lines 12-24. Sugano et al. teach determining whether to update a local time in response to operating characteristics. Note Sugano et al. column 4, lines 21-38 and column 7, lines 40-67. Sugano et al. also teach each of said plurality of controllers configured to establish an operating characteristic.

Note Sugano et al. column 1, lines 43-49, and column 3, lines 60-64. In reference to claims 2 and 26, Sugano et al. teach the method steps of receiving an official time. Note column 3, lines 20-26. Sugano et al. teach determining whether the difference between the main standard time and the secondary standard time is 1, which is interpreted as determining the difference between official time and local time. Note Sugano et al. column 7, lines 55-61. Sugano et al. teach that when the main standard time is renewed by one renewal unit time, the CPU renews the secondary standard time, secondary operating time, the exchange time, stored in each of the controllers, based on the new standard time, which suggests synchronization. Note Sugano et al. column 8, lines 25-46. In reference to claims 3, 4, 20, 28 and 29, receiving the operating characteristic indicative of a machine and engine would be inherent to the system of Sugano et al. Note column 4, lines 21-67. In reference to claim 5, 18, 21, 30 Sugano et al. teach if the main standard time is 1, the system advances to step 119 to 121 to 122 which equalizes the secondary time to the main standard time which is interpreted as determining to synchronize local time with official time in response to a difference being greater than a first threshold. Note column 7, lines 57-62 to column 8, lines 1-65. In reference to claim 6, 16, 27 Sugano et al. teach a master controller (1). Note column 1, lines 12-45 and column 4, lines 59-62. In reference to claim 7, 17, 31 Sugano et al. teach receiving official time from the master controller. Note column 3, lines 13-45. In reference to claim 8, 19, 32, Sugano et al. teach receiving an operating characteristic signal from the master controller. Note Sugano et al.

column 4, lines 59-67. In reference to claims 9 and 10, 22 and 33 Sugano et al. does not explicitly teach the master controller participating in an arbitration process among the controllers, however the arbitration process which includes receiving an arbitration signal would be inherent to the system of Sugano et al. Note column 5, lines 43-47. In reference to claim 11, 23, 35 Sugano et al. teach the master controller is not limited thereto, and any one of the plurality of controllers in the vehicle control apparatus can be selected as the master controller. Note column 5, lines 43-47. The selection of a master controller would inherently include receiving a priority signal and determining whether to become the master controller in response to received at least one priority signal. In reference to claim 12, 13, 14, 24, 34, 36, 37, 38, Sugano et al. teach the master controller is not limited thereto, and any one of the priority of controllers in the vehicle control apparatus can be selected as the master controller. Note column 5, lines 43-47. The selection of a master controller would inherently include receiving a plurality signal and determining whether to become the master controller in response to at least one priority signal and the initiation of an arbitration process. Claims 15 and 25 contain the limitations similar to those in claim 1, which was discussed above.

Sugano et al. does not teach a plurality of controllers having a local clock and a communication network. Note Esker column 4, lines 47-52.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Sugano et al. to include the teaching of

Esker because it would determine an error between its local clock and the master time.

Note Esker column 4, lines 62-67 to column 5, lines 1-2.

Sugano et al. does not teach updating local time using the local clock in response to the update determination. Esker teach updating local time using the local clock in response to the update determination. Note Esker column 46-53.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Sugano et al. to include the teaching of Esker because it would determine an error between its local clock and the master time.

Note Esker column 4, lines 62-67 to column 5, lines 1-2.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that the cited art does not teach a plurality of controllers each having a local clock; determining whether to update a local clock in response to said operating characteristic; and updating said local time using local clock in response to update determination.

This is not found to be convincing because the claim language given its broadest reasonable interpretation reads on the prior art taught by Sugano et al and Esker.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (703) 308-6722. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached at (703) 308-3126. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Demetrius R. Pretlow

*Demetru Pretlow* 10/25/02

Patent Examiner

*Kamini Shah*  
KAMINI SHAH  
PRIMARY EXAMINER